IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 10.04.2007

Coram

The Honourable Mr. Justice P. SATHASIVAM
and
The Honourable Mr. Justice S. TAMILVANAN

W.A. No.261 of 2001

K.S. Seshadri ... Appellant

..Vs..

1. The Chairman,
Tamil Nadu Housing Board,
235, Anna Salai, Nandanam,
Chennai - 35.

2. Allottee Service Manager,
Special Division - I,
Tamil Nadu Housing Board,
Thirumangalam,
Chennai - 101.

3. Competent Authority,
Special Division I,
Anna Nagar West,
Tamil Nadu Housing Board,
Madras - 101. ... Respondents

Appeal to set aside the order dated 16.3.2000 passed in W.P. No.14991 of 1992 on the file of this Court. Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 1st Respondent to execute and present for registration sale ded conveying the Plot NO. 90 B alloted to the Petitioner. Allottee on or before a certain date without demanding any sum over and above the cost mentioned in the lease cum sale agreement executed by the said allottee except the actual stamp duty and Registration fees required in law.

For Appellant : Mr. S. Kothandaraman
For Respondents : Mr. S. Kasi Kumar
for Mr. K. Chelladurai

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

JUDGMENT

(Judgment was delivered by P. SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned Single Judge dated 16.3.2000 passed in W.P. No.14991 of 1992, in and by which, the learned Judge, after finding no merit in the writ petition, dismissed the same.

2. Learned counsel appearing for the Housing Board has brought to our notice that during the pendency of the above writ appeal, in view of the order of the learned Judge, dismissing the writ petition and of the fact that the dismissal of the injunction petition in the writ appeal, the appellant paid all the additional cost and received the sale deed.

3. In view of the same, we are of the view that no further adjudication requires in this writ appeal. Accordingly, the same is dismissed. However, learned counsel appearing for the appellant submitted that in the very same scheme area, the respondents have executed the sale deeds without claiming additional cost from others and according to him, he alone was singled out and he was asked to pay the additional cost. If the above statement of fact is correct, the appellant is free to make a representation before the second respondent and if any such representation is made within a period of two weeks from the date of receipt of a copy of this order, it is for the Authority to dispose of the same, if the same is permissible, in accordance with law. No costs.
Ssa.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

1. The Chairman,
   Tamil Nadu Housing Board,
   235, Anna Salai, Nandanam,
   Chennai - 35.

2. Allottee Service Manager,
   Special Division - I,
   Tamil Nadu Housing Board,
   Thirumangalam,
   Chennai - 101.

3. Competent Authority,
   Special Division I,
   Anna Nagar West,
   Tamil Nadu Housing Board,
   Madras - 101.

+ one cc to Mr. K. Chelladurai, Advocate sr no. 22974
+ one cc to Mr. S. Kothandaraman, Advocate sr no. 22658

MDR(CO)
NM(23.04.07)

W.A. No.261 of 2001

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/